

**FIRST ENGROSSMENT
with Conference Committee Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2355

Introduced by

Senators Solberg, Christmann, Kinnoin

Representatives Brusegaard, Kempenich, Solberg

1 A BILL for an Act to amend and reenact sections 11-33-02 and 58-03-11 of the North Dakota
2 Century Code, relating to zoning regarding farming and ranching.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 11-33-02 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **11-33-02. Board of county commissioners to designate districts.**

- 7 1. For any or all of the purposes designated in section 11-33-01, the board of county
8 commissioners may divide by resolution ~~divide~~ all or any parts of the county,
9 subject to ~~the provisions of~~ section 11-33-20, into districts of such number, shape,
10 and area as may be ~~deemed~~ determined necessary, and ~~may~~ likewise may enact
11 suitable regulations to carry out the purposes of this chapter. These regulations
12 ~~shall~~ must be uniform in each district, but the regulations in one district may differ
13 from those in other districts. ~~No A regulation or restriction, however, shall~~ may not
14 prohibit or prevent the use of land or buildings for farming or ranching or any of the
15 normal incidents of farming. ~~The provisions of this~~ or ranching. For purposes of
16 this section, "farming or ranching" means cultivating land for production of
17 agricultural crops or livestock, or raising, feeding, or producing livestock, poultry,
18 milk, or fruit. The term does not include producing timber or forest products, nor
19 does the term include a contract whereby a processor or distributor of farm
20 products or supplies provides grain, harvesting, or other farm services.
- 21 2. A board of county commissioners may regulate the nature and scope of
22 concentrated feeding operations permissible in the county; however, if a regulation
23 would impose a substantial economic burden on a concentrated feeding operation
24 in existence before the effective date of the regulation, the board of county

- 1 commissioners shall declare that the regulation is ineffective with respect to any
2 concentrated feeding operation in existence before the effective date of the
3 regulation.
- 4 3. A regulation may not preclude the development of a concentrated feeding
5 operation in the county. A regulation addressing the development of a
6 concentrated feeding operation in the county may set reasonable standards, based
7 on the size of the operation, to govern its location.
- 8 4. For purposes of this section, "concentrated feeding operation" means any livestock
9 feeding, handling, or holding operation, or feed yard, where animals are
10 concentrated in an area that is not normally used for pasture or for growing crops
11 and in which animal wastes may accumulate, or in an area where the space per
12 animal unit is less than six hundred square feet [55.74 square meters]. The term
13 does not include normal wintering operations for cattle. For purposes of this
14 section, "livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses,
15 and fur animals raised for their pelts.
- 16 5. A board of county commissioners may not prohibit, through regulation, the
17 reasonable diversification or expansion of a farming or ranching operation.
- 18 6. This chapter shall does not be construed to include any power relating to the
19 establishment, repair, and maintenance of highways or roads.

20 **SECTION 2. AMENDMENT.** Section 58-03-11 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **58-03-11. Establishment of zoning districts - Limitation - Scope of zoning**
23 **regulations and restrictions.**

- 24 1. For the purpose of promoting the health, safety, morals, or the general welfare, or
25 to secure the orderly development of approaches to municipalities, the board of
26 township supervisors may establish one or more zoning districts and within such
27 districts may, subject to the provisions of chapter 54-21.3, regulate and restrict the
28 erection, construction, reconstruction, alteration, repair, or use of buildings and
29 structures, the height, number of stories, and size of buildings and structures, the
30 percentage of lot that may be occupied, the size of courts, yards, and other open
31 spaces, the density of population, and the location and use of buildings, structures,

1 and land for trade, industry, residence, or other purposes. All such regulations and
2 restrictions must be uniform throughout each district, but the regulations and
3 restrictions in one district may differ from those in other districts.

4 2. No A regulation or restriction, however, may not prohibit or prevent the use of land
5 or buildings for farming or ranching or any of the normal incidents of farming.—The
6 provisions of sections or ranching. For purposes of this section, "farming or
7 ranching" means cultivating land for production of agricultural crops or livestock, or
8 raising, feeding, or producing livestock, poultry, milk, or fruit. The term does not
9 include producing timber or forest products, nor does the term include a contract
10 whereby a processor or distributor of farm products or supplies provides grain,
11 harvesting, or other farm services.

12 3. A board of township supervisors may regulate the nature and scope of
13 concentrated feeding operations permissible in the township; however, if a
14 regulation would impose a substantial economic burden on a concentrated feeding
15 operation in existence before the effective date of the regulation, the board of
16 township supervisors shall declare that the regulation is ineffective with respect to
17 any concentrated feeding operation in existence before the effective date of the
18 regulation.

19 4. A regulation may not preclude the development of a concentrated feeding
20 operation in the township. A regulation addressing the development of a
21 concentrated feeding operation in the township may set reasonable standards,
22 based on the size of the operation, to govern its location.

23 5. For purposes of this section, "concentrated feeding operation" means any livestock
24 feeding, handling, or holding operation, or feed yard, where animals are
25 concentrated in an area that is not normally used for pasture or for growing crops
26 and in which animal wastes may accumulate, or in an area where the space per
27 animal unit is less than six hundred square feet [55.74 square meters]. The term
28 does not include normal wintering operations for cattle. For purposes of this
29 section, "livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses,
30 and fur animals raised for their pelts.

- 1 6. A board of township supervisors may not prohibit, through regulation, the
2 reasonable diversification or expansion of a farming or ranching operation.
- 3 7. Sections 58-03-11 through 58-03-15 may do not be construed to include any
4 power relating to the establishment, repair, and maintenance of highways or roads.